

Applicants: Carlos Daniel Silva  
Application No. 10/534,166  
Amendment in Response to Office Action dated March 16, 2006

REMARKS

The Examiner has rejected all the claims on the basis of the combination of Feld et al US 6,472,988 and Varis US 6,254,551.

US 6,472,988 refers to a system for monitoring wearers of respiratory equipment wherein the alarm is actuated when an alteration in pressure, temperature, movement, etc. is detected. Thus, this is an alarm operating in a normally "off" status that is activated upon any of the above mentioned alterations. Therefore, upon the failure of any part of the circuit, such as recording system, transmission system, etc. the alarm fails to be actuated.

As stated in column 9, lines 18-22, "Antenna 62 may be, for example, a lambda/4 line antenna which, at this frequency, has a length of approximately 17 cm. To keep the power consumption of mobile part 21 as low as possible, UHF transmitter 60 is activated only when needed." (underlining added).

If UHF transmission is activated only when is needed, it is clear that there is no continuous monitoring of "Mobile unit" 21, so the system could fail or could be so far off the "Base station" 20 in a manner that station 20 could read that no data is sent because all is in order.

This is confirmed in claims 14 reading as follows:

14. The monitoring system as recited in claim 1 wherein the mobile part further includes speech output apparatus which, in response to the acquired status data, is capable of transmitting predetermined messages". Underlining added.

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The system operates upon the reception of data acquisition, therefore, the alarm is not activated upon a failure of the system.

In addition, the term "Power supply" 105 shows that there is no direct connection of the alarm in order to be actuated upon a general failure.

In addition to the foregoing, the US 6,472,988 discloses a complex equipment having a base station with plurality of mobile units to be disposed on a breathing apparatus. This is not a portable, small and compact monitoring apparatus that can be worn in the garment of a baby.

US 6,254,551 discloses an apparatus for monitoring vital functions and for processing the results, comprising a sensor arrangement to be fitted onto the user's chest by means of a belt or band 9. It is apparent that this system can not be used in a baby's body when slipping because the belt will be uncomfortable for the baby's dream as an obstacle to the normal breathing.

Distinct from the above, the present invention provides a portable, compact monitoring device, free of any band or belt, that can be worn in the infant's garment. Also, if any part of the system or circuit fails, the alarm is activated because it is always and directly (as shown) connected to Vdd and it does not depends on the power or feeding source 7. None of the uncovered references shows a direct connection between the alarm means and the battery.

In view of the above, the applicant submits a new set of claims for consideration.

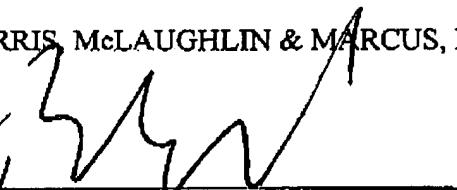
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The present inventive device, as defined in the above claim 10, is distinct from the uncovered prior art in that, the inventive device is a compact one that does not need of any belt or band to retain the device onto the wearer's body. In addition, upon any failure of any part of the device, the alarm is directly fed by the Vdd and activated to indicate the failure. This concept can be read in page 3, left column, paragraph [0033].

Early and favorable action is requested.

Respectfully submitted,

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